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2025 Delaware Code
Title 16 - Health and Safety
Chapter 49A. THE DELAWARE MEDICAL MARIJUANA ACT
§ 4905A. Discrimination prohibited.

Universal Citation:
16 DE Code § 4905A (2025)

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§ 4905A. Discrimination prohibited.

(a) (1) No school or landlord may refuse to enroll or lease to, or otherwise penalize, a person solely for the person's status as a registered qualifying patient or a registered designated caregiver, unless failing to do so would cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(2) For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of marijuana under this chapter is considered the equivalent of the authorized use of any other medication used at the direction of a health-care practitioner and does not constitute the use of an illicit substance or otherwise disqualify a qualifying patient from needed medical care.

(3) Unless a failure to do so would cause the employer to lose a monetary or licensing-related benefit under federal law or federal regulations, an employer may not discriminate

against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon either of the following:

a. The person's status as a cardholder; or

b. A registered qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment.

(b) A person otherwise entitled to custody of or visitation or parenting time with a minor shall not be denied such a right, and there shall be no presumption of neglect or child endangerment, for conduct allowed under this chapter, unless the person's actions in relation to marijuana were such that they created an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

(c) No school, landlord, or employer may be penalized or denied any benefit under state law for enrolling, leasing to, or employing a cardholder.
78 Del. Laws, c. 23, § 1; 70 Del. Laws, c. 186, § 1; 83 Del. Laws, c. 48, § 4; 84 Del. Laws, c. 42, § 1;

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